IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 555/2001
AJI RAM & ORS. Vs. STATE OF RAJASTHAN & ANR.

DATE: 23.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Anurag Sharma for the accused-petitioners.
Mr. Ashwini Kumar Sharma, PP for the State.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 20.04.2001 passed by the Additional Chief Judicial Magistrate, Bayana in Criminal Complaint No. 339/1999, whereby charges have been amended and the prayer for dropping the entire proceedings has been rejected.

Brief facts of the case are that the complainant Kumari Jamna Fauzdar submitted a written report on the basis of which FIR No. 178/93 was registered at P.S. Bayana on 29.04.93 against the accused-petitioners and some unidentified accused persons. After investigation the police filed a charge sheet against the accused-petitioners for the offence under Sections 147, 323 and 448 IPC on 27.11.95. The learned Court below took cognizance on the same day and framed charges on 02.12.96. Thereafter another

application was moved by the prosecution to take cognizance against the petitioners for the offence under Sections 452, 395, 373 and 148 IPC. The Court below vide its order dated 20.04.2001 while allowing the application of the prosecution, framed additional charges against the accused-petitioners under Sections 148, 323/149 and 452/453 IPC and rejected the prayer of the accused-petitioners to drop the proceedings.

Having heard learned counsel for the accused-petitioners, learned Public Prosecutor for the State and upon careful perusal of the impugned order dated 20.04.2001, whereby additional charges have been framed against the accused-petitioners, in the interest of justice, I deem it proper to quash and set-aside the impugned order dated 20.04.2001 passed by the Additional Chief Judicial Magistrate, Bayana and remand the matter back to the Court below for fresh adjudication after giving opportunity of being heard to the parties and then pass fresh order in accordance with the provisions of law.

With these observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

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